

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant.

No. 2:17-cv-00642-MJP

PLAINTIFF'S REPLY TO RULE 19 AND 20
MOTION FOR JOINDER OF PARTIES

NOTE ON MOTION CALENDAR

Friday, April 20, 2018

Oral Argument Requested

I. Argument

**A. Plaintiff is removing proposed defendant Jayne Freeman, Derek Chen and
Lahoma Walker as proposed Defendants in this lawsuit given the nature of this
Court's Order regarding the Amended Complaint**

This Court ordered in Docket 80 that "the allegations and claims concerning the acts of
counsel (and counsel's staff) for the Defendant University of Washington. Ms. Freeman, Mr.
Chen, and Ms. Walker may not be added as defendants in the amended pleading." Dkt. 80 at 2.

Plaintiff interprets this Court's ruling as barring any claims or allegations against Ms.
Freeman, Mr. Chen, and Ms. Walker. As such, it would be futile for Plaintiff to add defendants
who are not allowed to have any allegations or claims brought against them.

1 Thus, based upon this Court's Order, Ms. Dalessio is removing/striking Ms. Freeman, Mr.
2 Chen, and Ms. Walker from her Motion for Joinder. This is reflected in her Amended Proposed
3 Order which is attached to this Reply to the Motion for Joinder.

4 **B. It is undisputed that the remaining proposed defendants should be joined by this**
5 **Court**

6 Defendant University of Washington in its Response to the Motion for Joinder acquiesces
7 to Plaintiff's argument that the remaining proposed defendants should be joined to this lawsuit –
8 except for Ms. Freeman, Mr. Chen, and Ms. Walker.

9 Defendant's position is that the joinder of the remaining proposed defendants is moot, as
10 decided by this Court's Order on the Amended Complaint at Docket 80. Even though, this Court
11 has granted that the claims and allegations can be added in the Amended Complaint against the
12 remaining proposed defendants, this Court has not expressly ruled if they are joined as parties or
13 not.

14 It would be improper for either Plaintiff or Defendant to assume how this Court will rule
15 regarding the addition of the remaining proposed parties. Furthermore, a written order either
16 granting or denying the motion is necessary as to clarify the record for this Court and for possibly
17 an appeal.

18 **C. Conclusion**

19 Since it is uncontested, this Court should grant the addition of the remaining proposed
20 defendants – Ms. Saunders, Ms. Swenson, Mr. Tapper, Mr. Palmer, and Does 1-12. This Court
21 should join the parties as indispensable under Rule 19 or alternative under Rule 20. This will
22 allow clarity in the record for not only this Court, but possibly an appellate court on review.

23
24 Respectfully submitted this 17th day of April, 2018

25 Law Office of Joseph Thomas

26 /s/ Joseph Thomas
27 Joseph Thomas, WSBA 49532
28

Certificate of Service

I hereby certify that on 17th of April, 2018, I filed the foregoing with the Clerk of the Court through the CM/ECF system which will automatically send electronic mail notification of such filing to the CM/ECF registered participants as identified on the Electronic Email Notice List.

/s/ Joseph Thomas
Joseph Thomas, WSBA 49532
14625 SE 176th St., Apt. N101
Renton, WA 98058
(206) 390-8848